



ION S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Chiropractic Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



ANNE MILGRAM
Attorney General

August 28, 2007

FILED

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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

By Certified and Regular Mail

Ronald Kern, D.C.
117 Cornelia Street
Boonton, NJ 07005

LAWRENCE DEMARZO
Acting Director

Mailing Address:
P.O. Box 45004
Newark, NJ 07101
(973) 504-6395

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Kern:

This letter is to advise you that the New Jersey State Board of Chiropractic Examiners (the "Board") has had an opportunity to review information concerning your arrest on charges of harassment and stalking of a female former patient, which were disposed of through your admission into the Morris County pretrial intervention program; and your response to question #5 on your 2005-2007 renewal of registration form in which you checked "No" to whether you had been arrested, charged or convicted of any crime or offense since your last renewal.

It appears from that review that you sent a total of twelve anonymous text messages to the telephone of P.H., a former patient, the contents of which messages were intended to, and did, harass and upset P.H., notwithstanding your being aware that P.H. suffered from depression.

The Board has also considered your explanations for having failed to disclose your arrest on the aforesaid charges in your response to question #5 on your 2005-2007 renewal of registration form. You have acknowledged filing the form containing an objectively false response to question #5, because you anticipated the future completion of your pre-trial intervention program requirements and the possible future expungement of the public record of your arrest and charges.

At this juncture, the Board has preliminarily concluded that probable cause exists to support a finding that you violated N.J.S.A. 45:1-21(e) by engaging in professional misconduct as determined by the Board when you intentionally and anonymously harassed and attempted to distress P.H., a former patient who you knew to be suffering from depression. The Board has also preliminarily concluded that probable cause exists to support a finding that you violated N.J.S.A. 45:1-21(a) by failing to disclose your arrest and charges without legal justification for failing to do so at the time of your renewal of registration.

The above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal disciplinary proceedings, should you consent to:

1. cease and desist from the aforesaid violations;
2. the issuance of a formal reprimand;

3. pay a penalty in the total amount of \$7,500.00; comprised of \$5,000.00 for the aforesaid acts of professional misconduct as determined by the Board in violation of N.J.S.A. 45:1-21(e), and \$2,500.00 for the aforesaid violation of N.J.S.A. 45:1-21(a) (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter by certified check or money order made payable to the State of New Jersey);
4. pay costs incurred by the Board in the amount of \$1402.48, submit the initial payment arrangement in the amount of \$3902.48 to the Board office within 30 days of receipt of this letter, the next payment is scheduled for February 1, 2008 and the last payment is scheduled to be made June 1, 2008; and
5. ~~successfully complete and unconditionally pass, within six months of your~~ acknowledgment of this letter, the ProBE (Professional Problem Based Ethics) course offered by The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office together with any required payment at the address set forth above. Upon your signature, this letter will be a matter of public record.

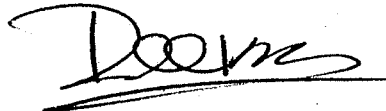
In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you ask your attorney to contact Deputy Attorney General John D. Hugelmeyer, who may be reached at (973) 693-5056.

If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD
CHIROPRACTIC EXAMINERS

By: Joanne Boyer
Joanne Boyer
Acting Executive Director

ACKNOWLEDGMENT: I, Ronald Kern, D.C., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$7,500.00 plus costs (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.



Ronald Kern, D.C.

Dated:

cc: John D. Hugelmeyer, Deputy Attorney General
Henry L. Doner, Esq.